

*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JULY 24, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-28513 - APPLICANT/OWNER: FIELD DEVELOPMENT, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.050 for Building Maintenance Service and Sales use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-28514), Variance (VAR-28514), and Site Development Plan Review (SDR-28512) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Submitted after final agenda

Date

Item 34

NE

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Building Maintenance Service and Sales facility to be located at 3920 Leon Avenue.

A related General Plan Amendment (GPA-28510) to amend a portion of the Northwest Sector of the General Plan from O (Office) to SC (Service Commercial), a Rezoning (ZON-28511) from O (Office) to C-1 (Limited Commercial); Variance (VAR-28514) for a rear building setback of 10.83 feet where 20 feet is required; and a Site Development Plan Review (SDR-28512) for the existing two-story 8,120 square-foot office building and the addition of a 4,500 square-foot Building Maintenance Service and Sales building and outdoor storage area with Waivers to allow for a zero-foot landscape buffer along portions of the north, south, and west perimeters where eight feet is required will be considered concurrently. Due to the self-imposed hardship created by the intensity of the proposed use on the site, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/07/01	The City Council approved a request for Rezoning (Z-0108-00) from R-E (Residence Estates) and C-2 (General Commercial) to C-1 (Limited Commercial) on 1.04 acres located at 3900 Leon Avenue. The Planning Commission recommended approval.
04/04/01	The City Council approved a request for a Site Development Plan Review [Z-0108-00(1)] for a 24,000 square-foot office building on approximately 1.04 acres located on the west side of Leon Avenue, approximately 400 feet south of Alexander Road. The Planning Commission recommended approval.
04/02/03	The City Council approved a request to amend portions of the Centennial Hills Sector Plan and the Southwest Sector Map (GPA-1363) from GC (General Commercial), SC (Service Commercial) and DR (Desert Rural Density Residential) to GC (General Commercial), O (Office), PF (Public Facilities), ML (Medium-Low Density Residential) and DR (Desert Rural Density Residential) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to the northern City limits at Moccasin Road. The Planning Commission recommended approval.

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09/04/03	An encroachment agreement (#2705) was finalized for a meandering sidewalk on the west side of Leon Avenue along the property line and two planter areas approximately 5 feet wide and 14 feet long each consisting of decomposed granite, boulders, trees, shrubs, and ground cover to satisfy a condition of Z-0108-00(1).
05/05/05	A Code Enforcement case (#29612) was opened for a complaint that the aesthetic appearance of a 2-story office building was visually offensive from Rancho Drive. The case was resolved on 05/16/05.

<i>Related Building Permits/Business Licenses</i>	
03/05/97	A business license (#C11-06288-B-074264) was issued for a contractor at 3920 Leon Avenue.
02/17/99	A business license (#C11-09503-B-083939) was issued for a contractor at 3920 Leon Avenue.
02/01/00	A business license (#C11-09009-B-089024) was issued for a contractor at 3920 Leon Avenue.
05/03/01	A business license (#C11-07897-E-098046) was issued for a contractor at 3920 Leon Avenue.
12/20/01	A building permit (#1022085) was issued for on-sites at 3920 Leon Avenue. The permit was finalized on 06/17/02.
12/20/01	A building permit (#1022086) was issued for a shell building certificate of completion. The permit was finalized on 02/19/03.
01/30/02	A building permit (#2001544) was issued for a temporary construction trailer at 3920 Leon Avenue. The permit expired on 08/10/02.
03/06/02	A building permit (#2003991) was issued for onsite water and sewer at 3920 Leon Avenue. The permit expired 03/22/03.
09/17/02	A building permit (#2016789) was issued to extend water and sewer at 3920 Leon Avenue. The permit expired on 03/22/03.
09/19/02	A building permit (#2017060) was issued for a block wall at 3920 Leon Avenue. The permit expired on 04/26/03.
02/26/03	A building permit (#3003886) was issued for a non-work certificate of occupancy at 3920 Leon Avenue, Suite #110. The permit expired on 08/30/03.
02/26/03	A building permit (#3003887) was issued for a non-work certificate of occupancy at 3920 Leon Avenue, Suite #150. The permit expired on 08/30/03.
05/16/03	A business licensed (#C11-07485-E-110105) was issued for a contractor at 3920 Leon Avenue. The license was marked out of business on 07/04/06.
05/27/05	A business license (#C11-10005-E-123058) was issued for a contractor at 3920 Leon Avenue.
07/27/05	A business license (#C11-07892-G-123430) was issued for a contractor at 3920 Leon Avenue.
08/25/05	A business license (#C11-07914-H-122891) was issued for a contractor at 3920 Leon Avenue. The license was marked out of business on 08/22/07.

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11/16/05	A business license (#D06-00904-K-125704) was issued for a designer – decorator at 3920 Leon Avenue, Suite #240. The license was marked out of business on 10/04/07.
06/02/06	A building permit (#66859) was issued for temporary power at 3920 Leon Avenue. The permit was finalized on 07/21/06.
05/07/07	A business license (#C11-09120-D-133938) was issued for a contractor at 3920 Leon Avenue, Suite #140...
05/15/07	A business license (#C11-09156-D-133685) was issued for a contractor at 3920 Leon Avenue, Suite #240.
06/22/07	A business license (#C11-09270-F-134407) was issued for a contractor at 3920 Leon Avenue, Suite #140.

<i>Pre-Application Meeting</i>	
05/28/08	A pre-application meeting was held with staff to discuss the submittal requirements for a General Plan Amendment (GPA), Rezoning (ZON), Variance (VAR), Site Development Plan Review (SDR), and a Special Use Permit (SUP).
<i>Neighborhood Meeting</i>	
07/07/08	<p>A neighborhood meeting was held on Monday, July 7, 2008 at 6:00 p.m. at 5715 West Alexander Road, Suite 135, Las Vegas, Nevada 89130. The applicant and approximately 15 members of the public were in attendance. Staff was not in attendance at this meeting. Comments and concerns were the following:</p> <ul style="list-style-type: none"> • Members of the public were concerned that if this particular use ever vacated, a C-1 (Limited Commercial) zoning could allow other more intense uses on the site. The members of the public wanted to know if there could be a condition placed upon the zoning restricting future uses.
<i>Field Check</i>	
06/17/08	<p>The following observations were made by staff during a routine field check:</p> <ul style="list-style-type: none"> • The gate to the existing trash enclosure was off the hinges and needed to be repaired. It also did not have a roof or trellis over it. • Existing perimeter CMU block wall was not to City design standards (20% contrasting material), nor did it have a cap. • A commercial shipping container was noted on-site. • Existing landscaping around meandering sidewalk was scarce. • Existing office building was well maintained. • A temporary power pole was noted on-site. • The existing parking lot was in need of wheel stops to prevent vehicular traffic from traveling off of the designated drive aisle. • Illegal, outdoor storage was observed on site, which is not permitted in an O (Office) zoned district.

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07/03/08	A follow-up field check was performed where it was noted that all illegal, outdoor storage had been removed, as well as the commercial shipping container from 3920 Leon. The property to the south, 3910 Leon Avenue still had illegal outdoor storage.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.04

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	O (Office)	O (Office)
North	Vacant Land	O (Office)	O (Office)
South	Office / Outdoor Storage	O (Office)	O (Office)
East	Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Vacant Land	GC (General Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	Y		Y
A-O (Airport Overlay) District (105 feet)	Y		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Airport Overlay District

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 105-foot contour limitations and does not violate the height limitations. The proposed structure does not exceed the height limitation and is in compliance with the Airport Overlay District.

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DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 ft.	109 ft.	Y
Min. Setbacks			
• Front	20 ft.	20 ft.	Y
• Side	10 ft.	10 ft.	Y
• Corner	15 ft.	20 ft.	Y
• Rear	20 ft.	10.83 ft.	*N
Min. Distance Between Buildings	10 ft.	14 ft.	Y
Max. Lot Coverage	50%	23.4%	Y
Max. Building Height	2 stories or 35 feet, whichever is less.	24 ft.	Y
Trash Enclosure	Screened	Not Screened	**N

**The applicant has submitted a related application for a Variance (VAR-28514) to allow for a 10.83-foot rear setback where 20 feet is required.*

***The applicant has an existing trash enclosure on-site that is not in compliance with Title 19.08 standards. A condition has been added requiring the existing trash enclosure and any additional trash enclosure(s) built on the site to be in compliance with Title 19.08 standards.*

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree per 6 Spaces	8 Trees	3 Trees	*N
Buffer:				
Min. Trees				
• North	1 Tree per 30 Linear Feet	10 Trees	7 Trees	**N
• South	1 Tree per 30 Linear Feet	10 Trees	4 Trees	
• East	1 Tree per 20 Linear Feet	7 Trees	8 Trees	
• West	1 Tree per 30 Linear Feet	7 Trees	3 Trees	
TOTAL		34 Trees	22 Trees	
Min. Zone Width				
• North	8 ft.		***Zero ft.	***N
• South	8 ft.		***Zero ft.	
• East	15 ft.		15 ft.	
• West	8 ft.		***Zero ft.	
Wall Height	6 to 8 ft.		6 ft.	Y

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**The applicant has requested an Exception to Title 19.10 that requires interior landscape islands at the end of each row of parking spaces; either parallel to parking spaces, at a ration of one landscape island for every six parking spaces, or perpendicular to parking spaces, if located between abutting rows of parking spaces. The proposed site plan demonstrates three areas of 6 or more parking spaces where a landscape island is necessary. One of those landscape islands has been provided for leaving the site deficient two landscape islands.*

***The applicant has requested an Exception from Title 19.12 to provide 22 trees where 34 trees are required within the perimeter landscape buffer.*

****The applicant has requested a Waiver for zero-foot landscape buffers along portions of the north, south and west perimeters.*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Building Maintenance Service and Sales (4,500 sq. ft.)	10,620 sq. ft.	1:300	34	2	41	2	Y
Office, Other than Listed (6,120 sq. ft.)							
SubTotal			34	2	41	2	
TOTAL (including handicap)			36		43		

ANALYSIS

This request is for a Special Use Permit for a proposed Building Maintenance Service and Sales Facility at 3920 Leon Avenue. The applicant is proposing the construction of a new 4,500 square-foot Building Maintenance Service and Sales Facility and an outdoor storage area to the west of the existing 6,120 square-foot office building. The proposed floor plan for the new Building Maintenance Service and Sales Facility depicts a single-story storage facility with equipment storage shelves, sealed concrete flooring, a secured tool storage area, an office with room for two desks, and a single restroom facility. No floor plan for the existing office building was submitted with this application.

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The property owner currently has a prospective buyer under contract to purchase the property contingent on the approval of the Special Use Permit for a Building Maintenance Service and Sales use, as well as the related applications, General Plan Amendment (GPA-28510), Rezoning (ZON-28511), Variance (VAR-28514), and Site Development Plan Review (SDR-28512). Due to the self-imposed hardship created by the intensity of the proposed use on the site, denial of this request is recommended.

- **Zoning**

The proposed Building Maintenance Service and Sales use facility is allowed with the approval of a Special Use Permit in the C-1 (Limited Commercial) zoning district. Building Maintenance Service and Sales is defined in Title 19, as a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use. There is one base condition for approval of a Special Use Permit for a Building Maintenance Service and Sales use, which states that outside storage shall be screened from view from adjacent properties and streets.

Staff is recommending denial of this application and the affiliated applications, General Plan Amendment (GPA-28510), Rezoning (ZON-28511), Variance (VAR-28514), and Site Development Plan Review (SDR-28512), as the proposed use is part of a development that is not compatible and harmonious with surrounding development. A Building Maintenance Service and Sales use is not allowed in the current land use designation of O (Office), or in the currently zoned O (Office) district. The affiliated application for a General Plan Amendment (GPA-28510) to amend the designation to a SC (Service Commercial) designation has been determined to be too land use intensive for the surrounding area that currently has land use designations of O (Office) and DR (Desert Rural), with respective zoning districts of O (Office) and R-E (Residential Estates). The Rezoning of this property would create a "spot zoning" situation defined by Title 19 as the rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.

- **Use**

A Building Maintenance Service and Sales use is defined by Title 19, as a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

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Conditional Use Regulations:

1. Outside storage shall be screened from view from adjacent properties and streets.

Due to the current land use designation of O (Office), and associated zoning district of O (Office), the proposed use can not meet the minimum requirements of a Building Maintenance Service and Sales use. Therefore, staff recommends denial.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed General Plan Amendment (GPA-28510) request land use of SC (Service Commercial) is too intensive for the surrounding area that includes O (Office) designations to the north and south of the subject site, and DR (Desert Rural Density Residential) designations to the east. The proposed land use can not be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, as well as the projected uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site currently has a land use designation of O (Office). A Building Maintenance Service and Sales use is not allowed in the current land use designation of O (Office) with or without a Special Use Permit. The affiliated applications for a General Plan Amendment (GPA-28510) to amend the designation to a SC (Service Commercial) designation, and the Rezoning (ZON-28511) from an O (Office) district to a C-1 (Limited Commercial) district have been determined to be too land use intensive for the surrounding area that currently has land use designations of O (Office) and DR (Desert Rural Density Residential), with respective zoning districts of O (Office) and R-E (Residence Estates). The rezoning of this property would create a “spot zoning” situation defined by Title 19 as, “the rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.”

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

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Adequate access to the site is provided by Leon Avenue, a 60-foot wide collector street. Secondary access to the subject site is provided by a 20-foot wide public alley off of Duncan Drive and Alexander Road. A centrally located driveway that runs east and west through the subject site provides both egress and ingress to Leon Avenue and the public alley which intersects with both Duncan Drive and Alexander Road.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Special Use Permit for a Building Maintenance Service and Sales use is inconsistent with the objectives of the General Plan [The General Plan designation for the site is O (Office) with a zoning district of O (Office)]. Granting the General Plan Amendment (GPA-28510) application and the Rezoning (ZON-28511) application to accommodate the applicant’s request for a SC (Service Commercial) designation and a C-1 (Limited Commercial) zoning district in order to comply with the Special Use Permit requirements for a Building Maintenance Service and Sales use would create “spot zoning” and defeat the overall objective of the General Plan and create an inconsistent zoning district.

- 5. The use meets all of the applicable conditions per Title 19.04.**

Due to the current land use designation of O (Office) with a zoning district of O (Office), the proposed use can not meet the minimum requirements of a Building Maintenance Service and Sales use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 105

APPROVALS 0

PROTESTS 1